



# Title Conditions (Scotland) Act 2003

## 2003 asp 9

### PART 9

#### TITLE CONDITIONS: POWERS OF LANDS TRIBUNAL

#### 99 Granting applications as respects development management schemes

- (1) An unopposed application for preservation of a development management scheme shall be granted as of right.
- (2) An application is unopposed for the purposes of subsection (1) above if, as at the date on which the application falls to be determined, no representations opposing it have been made under section 96 of this Act by the owners' association or, as the case may be, by the person proposing to register the conveyance.
- (3) In granting an application under subsection (1) above, the Lands Tribunal may order the owners' association to pay to the applicant a specific sum in respect of the expenses incurred by the applicant or such proportion of those expenses as the Tribunal think fit.
- (4) An application for the preservation of a development management scheme shall, unless it falls to be granted as of right under subsection (1) above, be granted by the Lands Tribunal only if they are satisfied, in the case of an application—
  - (a) under paragraph (d) of section 90(1) of this Act, that the disapplication of the development management scheme [<sup>F1</sup>or a real burden imposed by the deed of disapplication] is not in the best interests of [<sup>F2</sup>all the owners (taken as a group)] of the units of the development or is unfairly prejudicial to one or more of those owners; or
  - (b) under paragraph (e) of that section, that having regard to the purpose for which the land is being acquired by the person proposing to register the conveyance it is reasonable to grant the application.

#### Textual Amendments

- F1** Words in s. 99(4)(a) inserted (22.10.2003) by [The Title Conditions \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2003 \(S.S.I. 2003/503\)](#), art. 2, [Sch. 1 para. 10](#)
- F2** Words in s. 99(4)(a) substituted (23.10.2004) by [Tenements \(Scotland\) Act 2004 \(asp 11\)](#), ss. 25, 34(3), [Sch. 4 para. 17](#) (with s. 33)

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**Changes to legislation:** *There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 99. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** Ss. 97(4), 99(3), 103 applied (1.11.2003 for certain purposes and 28.11.2004 otherwise) by [The Lands Tribunal for Scotland Rules 2003 \(S.S.I. 2003/452\)](#), rules 1(2), **28(1)**

**Commencement Information**

- I1** S. 99 wholly in force; s. 99 in force for certain purposes at 4.4.2003, see s. 129(2)(3); s. 99 otherwise in force at 28.11.2004 by [S.S.I. 2003/456](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Title Conditions (Scotland) Act 2003, Section 99.